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4 Attorney for Defendant  
5 HERBERTH NOEL AYALA

6  
7 United States District Court  
8 Northern District of California  
9

10 UNITED STATES OF AMERICA, ) CR No. 3:13-CR-00030-RS-1  
11 )  
Plaintiff, ) STIPULATION AND ~~PROPOSED~~ ORDER  
12 ) CONTINUING SENTENCING HEARING AS  
v. ) TO DEFENDANT HERBERTH NOEL AYALA  
13 )  
HERBERTH NOEL AYALA, )  
14 )  
Defendant. )  
15

16 Defendant HERBERTH NOEL AYALA, by and through his counsel  
17 undersigned, the United States of America, through Assistant United  
18 States Attorney LAURA ELIZABETH VARTAIN HORN, and the United States  
19 Probation Office, through U.S. Probation Officer INSA AMINA BEL'OCHI,  
20 hereby stipulate and respectfully request that the Court vacate the  
21 Sentencing Hearing in the above-captioned case, currently set for  
22 Tuesday, October 8, 2013, at 02:30 p.m., and reset it for Tuesday,  
23 December 17, 2013, at 02:30 p.m.

24 This is the parties' first request to continue the Sentencing  
25 Hearing as to Defendant Ayala. The parties last appeared before the  
26 Court on July 9, 2013, when the change of plea was entered as to  
27 defendant Ayala (Dkt. No. 22).

28 Defense counsel for the Defendant began trial on a fifty-one

1 count molestation case in Contra Costa County on Friday, September  
2 20, 2013, and this trial is expected to last through approximately  
3 Friday, October 18, 2013.

4 On Friday, August 30, 2013, U.S. Probation Officer Insa Amina  
5 Bel'Ochi saw Defendant in custody for the second time and concluded  
6 the probation interview. The probation interview was significantly  
7 delayed due to the unavailability of both defense counsel and  
8 Probation Officer Bel'Ochi due to illness and previously scheduled  
9 court hearings.

10 The requested continuance is necessary to allow for the Proposed  
11 Presentence Report to be completed and disclosed to all parties  
12 pursuant to Fed. R. Crim. P. 32(b)(6), and to allow the parties  
13 reasonable time to thoroughly review the proposed report and submit  
14 their written responses pursuant to Crim. L.R. 32-4(b).

15 U.S. Probation Officer Insa Amina Bel'Ochi has no objection to  
16 the parties' request and joins in this stipulated request to continue  
17 the Sentencing Hearing as she has represented that she will require a  
18 substantial amount of time to draft and then finalize the report.

19 For the above-stated reasons, the Defendant, defense counsel,  
20 and the government stipulate and respectfully request that the Court  
21 vacate the Sentencing Hearing currently set for Tuesday, October 8,  
22 2013 and reset it for Tuesday, December 17, 2013, at 2:30 p.m.

23  
24 **IT IS SO STIPULATED.**

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26 Respectfully submitted,

27 DATED: September 20, 2013

28 /s/ ACB  
ANNE CATHERINE BELES,  
Attorney for HERBERTH N. AYALA

1 DATED: September 20, 2013

/s/ IAB  
\_\_\_\_\_  
INSA AMINA BEL'OCHI  
U.S. Probation Officer

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4 DATED: September 20, 2013

/s/ LEVH  
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LAURA ELIZABETH VARTAIN HORN,  
Assistant U.S. Attorney

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MELINDA HAAG  
United States Attorney

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11 IT IS SO ORDERED.

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13 DATED: 9/23/13

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HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

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